

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Richard N. Fargo  
Serial Number: 10/537,384  
Filed: 06/03/2005  
Group Art Unit: 3651  
Examiner: Singh, Kavel  
Title: DRIVE BELT FOR A PASSENGER CONVEYOR

**REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests Pre-Appeal Brief Review of the rejections contained in the Final Office Action mailed on January 14, 2010. There is no *prima facie* case of anticipation or obviousness against any of Applicant's claims.

**The rejection under 35 U.S.C. §102 must be withdrawn.**

Applicant respectfully traverses the rejection of claims 1-4, 6, 8, 10, 12-16, 18, 19 and 21 under 35 U.S.C. §102(b) as being anticipated by the *Liugi* reference. There is no *prima facie* case of anticipation.

First, there is no inner side of the timing belt 5 that engages a drive member. The Examiner suggests that the drive wheel 16 engages the inner side of the belt 5 but it does not. As the Examiner has correctly noticed, the teeth 12 on the timing belt 5 are "outwardly directed." The teeth are on the outer side of the timing belt 5. The teeth 12 are not on the inner side. The drive member 16 in the *Liugi* reference engages the outer side of the timing belt 5 by driving and

engaging the outer side teeth 12. Therefore, the reference does not establish a *prima facie* case of anticipation.

Additionally, many of Applicant's dependent claims have features that are in no way shown or in any way derivable from the teachings of the *Luigi* reference including Figure 2, which shows the most detail of the timing belt 5. There is no basis for a *prima facie* case of anticipation against any of Applicant's claims and the rejection under 35 U.S.C. §102 must be withdrawn.

**The rejection under 35 U.S.C. §103 must be withdrawn.**

Applicant respectfully traverses the rejection of claims 9 and 23-26 under 35 U.S.C. §103 based upon the proposed combination of the *Luigi* and *Mol* references. As described above, the *Luigi* reference does not teach what the Examiner suggests. Further, even if one were to include urethane from the *Mol* reference into the arrangement of the *Luigi* reference, that urethane would have to be designed to be rigid enough so that the teeth 12 would not be pliable or they would not be able to sufficiently drive the conveyor belt 2.

Additionally, the Examiner's interpretation of the metal core of the belt as a "base" of a tooth is not consistent with the reference. The metal core is not any part of any of the teeth. The teeth 12 are made of the plastic material alone according to the *Luigi* reference. Therefore, the assertion that the metal core comprises a base of a tooth is not consistent with the teachings of the reference.

There is no *prima facie* case of obviousness against any of Applicant's claims. The rejection must be withdrawn.

**Conclusion**

All rejections must be withdrawn.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

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Dated: March 12, 2010

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